PTO/SB/64 (01-08)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional): TIP0072USPCT

First named inventor: DeKock, Herman A.

Application No.: 10/555,712

Art Unit: unknown

Filed: November 3, 2005

Examiner: unknown

Title: HIV PRODRUGS CLEAVABLE BY CD26

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

04/18/2008 GFREY1 00000083 100750 10555712
02 FC:1453 1540.00 DA

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1540 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Copy of sequence listing in CRF, amendment, statement (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Hesna J. Pfeiffer/	April 15, 2008
Signature	Date
Hesna J. Pfeiffer	22,640
Typed or printed name	Registration Number, if applicable
Johnson & Johnson, One J&J Plaza	732 524 2830
Address	Telephone Number
New Brunswick NJ 08933	
Address	

Enclosures: ☑ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☑ Other: copy of sequence listing in CRF, separate copy, amnedment, statement

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☑ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

April 15, 2008	/Hesna J. Pfeiffer/
Date	Signature
	Hesna J. Pfeiffer
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/555,712	Herman Augustinus De Kock	TIP-0072USPCT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

INTERNATIONAL APPLICATION NO.	
PCT/EP04/50753	
I.A. FILING DATE	PRIORITY DATE
05/10/2004	05/08/2003

CONFIRMATION NO. 2964

371 ABANDONMENT/TERMINATION LETTER

OC000000027908800

Date Mailed: 01/25/2008

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01/29/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495,and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

Docket No: **TIP0072USPCT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	DeKock et. al.
Serial No.	:	10/555,712
Filing Date	:	November 3, 2005
For	:	HIV PRODRUGS CLEAVABLE BY CD26
Examiner	:	Unknown
Art Unit	:	Unknown

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT DIRECTING ENTRY OF ENCLOSED COMPUTER READABLE FORM (CRF) AND PAPER COPYOF THE SEQUENCE LISTING

Sir:

Applicant directs that the enclosed Computer Readable Form (CRF) diskette for the above-identified application containing information correcting incorrect sequence information, be accepted into the file of the application. A Paper Copy of this information is also enclosed, and its entry into the application is also requested. ***The undersigned hereby states that, in accordance with 37 CFR § 1.821, the Paper Copy and the Computer Readable Form submitted with the filing papers are identical. No new matter was added in the filing of the application.*** A copy of the Notice to Comply is included with this paper. The Notice To Comply With The Requirements For Patent Applications Containing Nucleotide and/or Amino Acid Sequences, according to PAIR, had been mailed January 29, 2007, the time for responding being March 29, 2007. Applicants never received the Notice to Comply, however, and have concurrently filed a Petition for Revival of an application unintentionally abandoned.

The Notice of Abandonment for the above-identified application was finally mailed January 25, 2008.

The Notice To Comply also requested additional claim fees of $50. Accordingly, the Commissioner is hereby authorized to charge that fee, or any other additional claims fees, or any other fees due, or credit any overpayment to Deposit Account No. 10-0750/TIP0072USPCTUSPCT/HJPAGK2.

04/18/2008 GFREY1 00000083 100750 10555712
01 FC:1615 50.00 DA

Respectfully submitted,

By: /Hesna J. Pfeiffer/
Hesna J. Pfeiffer, Reg. No. 22,640
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick NJ 08933
Telephone 732 524 2830

Attorney's Docket No.: TIP0072USPCT
Date: April 15, 2008

Atty. Dkt. No. TIP0072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DE KOCK, HERMAN AUGUSTINUS *et al.*

Title: HIV PRODRUGS CLEAVABLE BY CD26

Appl. No. 10/555,712

Filing Date: November 3, 2005

Examiner: Unknown

Art Unit: Unknown

AMENDMENT IN RESPONSE TO NOTICE UNDER 37 CFR §§1.821-825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop SEQUENCE

Sir:

In response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures mailed January 29, 2007, please amend the application as follows:

In the Specification:

Please amend the specification as shown:

Please delete the Example 3 header on page 38 and replace it with the following header:

Example 3 : Asp-Pro-Lys-Pro-PI 1 **(SEQ ID NO: 1)**

Please delete the paragraph on page 38, lines 4-11 and replace it with the following paragraph:

Using analogous reaction procedures as described in examples 1 and 2, Boc-Lys(Fmoc)-OH was coupled to compound **3.1** (as prepared in example 2), yielding compound **3.2**. After Boc-deprotection, compound **3.3** was obtained. Boc-Pro-OH was then coupled to compound **3.3**, yielding compound **3.4** which was subsequently Boc-deprotected thus yielding compound **3.5**. Compound **3.5** was coupled with Boc-Asp(OtBu)-OH yielding compound **3.6** which was first Boc-deprotected and then Fmoc-deprotected using dimethylamine in tetrahydrofuran, thus yielding compound **3.8** corresponding to Asp-Pro-Lys-Pro-PI **(SEQ ID NO: 1)** 1.

REMARKS

The foregoing amendments are made to insert the required SEQ ID NO identifiers associated with various listed sequences.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date April 15, 2008

By /HESNA J. PFEIFFER/

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Telephone: 732-524-0400
Facsimile: 732-524-2808

HESNA J. PFEIFFER
Attorney for Applicant
Registration No. 22,640

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No 10-0750/TIP0072USPCT/HJP/AGK2 for any such fees; and applicants hereby petition for any needed extension of time.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/555,712	Herman Augustinus De Kock	TIP-0072USPCT

INTERNATIONAL APPLICATION NO.	
PCT/EP04/50753	
I.A. FILING DATE	PRIORITY DATE
05/10/2004	05/08/2003

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

CONFIRMATION NO. 2964

371 FORMALITIES LETTER

OC000000022197984

Date Mailed: 01/29/2007

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **$50** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **$50** for a Large Entity:

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application**. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825 (d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821 (e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as

indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

The total additional claim fee(s) for this application is **$ 50**

- **$50** for **9** total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/555,712	PCT/EP04/50753	TIP-0072USPCT

FORM PCT/DO/EO/922 (371 Formalities Notice)

SEQUENCE LISTING

<110> DE KOCK, HERMAN AUGUSTINUS
WIGERINCK, PIET TOM BERT PAUL
BALZARINI, JAN

<120> HIV PRODRUGS CLEAVABLE BY CD26

<130> TIP0072

<140> 10/555,712
<141> 2005-11-03

<150> PCT/EP04/050753
<151> 2004-05-10

<150> GB 0310593.9
<151> 2003-05-08

<160> 5

<170> PatentIn Ver. 3.3

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1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: TIP0072

In re patent application of

DE KOCK, HERMAN AUGUSTINUS *et al.*

Serial No. 10/555,712

Filed: November 3, 2005

For: HIV PRODRUGS CLEAVABLE BY CD26

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Mail Stop SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

April 11, 2008
Date

James A. Coburn

HARBOR CONSULTING IP SERVICES, INC.
1500A Lafayette Road, #262
Portsmouth, N.H. 03801
800-318-3021